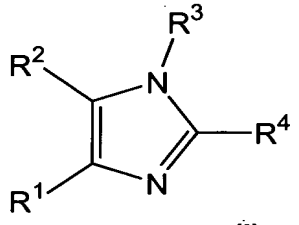
Amendments to the Claims:

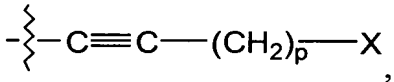
This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

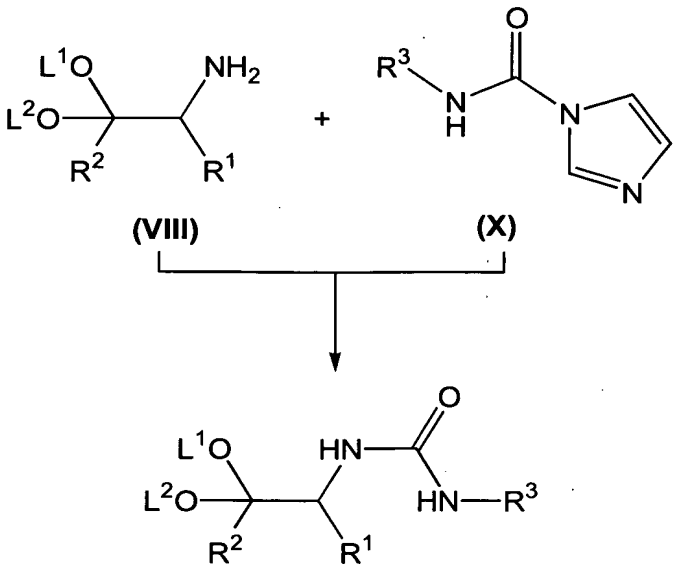
Claim 1. (previously presented) A process for preparing a compound of formula (I)



(I)

wherein
R^1 is selected from the group consisting of phenyl, substituted phenyl, (where the substituents are selected from C_1-C_5alkyl, halogen or trifluoromethyl);
R^2 is a saturated or unsaturated 6 membered ring with 5 carbon atoms and one nitrogen atom;
R^3 is carbocyclic arylC_1-C_5alkyl, wherein the aryl group is optionally substituted with substituents selected from C_1-C_5alkyl, C_1-C_5alkoxy, halogen, amino, C_1-C_5alkylamino or di(C_1-C_5alkyl)amino);
R^4 is  , where
p is an integer from 0 to 9;
X is selected from the group consisting of hydrogen, hydroxy, vinyl, substituted vinyl, (where one or more substituents are selected from fluorine or chlorine), ethynyl, substituted ethynyl (where the substituent is selected from fluorine or chlorine), C_1-C_5alkyl, substituted C_1-C_5alkyl (where the alkyl substituents are selected from one or more of C_1-C_5alkoxy and trihaloalkyl,), and C_3-C_7cycloalkyl,
and pharmaceutically acceptable salts thereof;

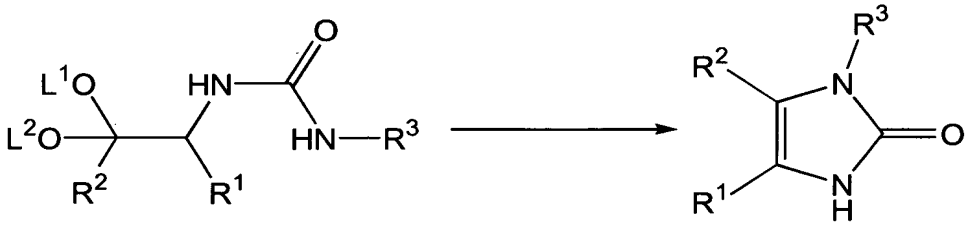
comprising



(VIII) (X)

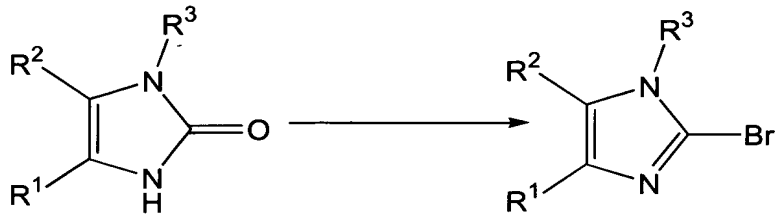
(XI)

reacting a compound of formula (VIII), wherein L^1 and L^2 are independently selected from the group consisting of C_1-C_4alkyl and C_1-C_4aralkyl; or L^1 together with L^2 is selected from the group consisting of $-CH_2-CH_2-$ (optionally substituted with one to four C_1-C_3 alkyl), and $-CH_2-CH_2-CH_2-$ (optionally substituted with one to six C_1-C_3 alkyl); with a compound of formula (X), to produce the corresponding compound of formula (XI);



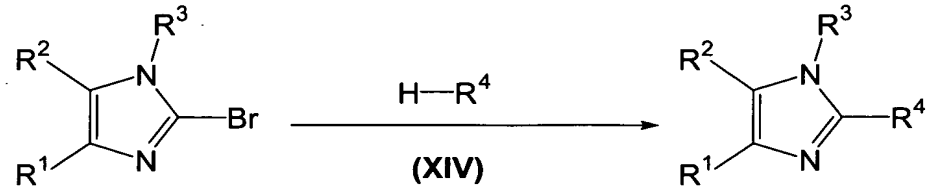
(XI) (XII)

cyclizing the compound of formula (XI), under acid conditions of pH less than about 7, to produce the corresponding compound of formula (XII);



(XII) (XIII)

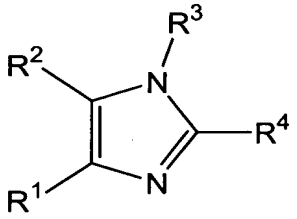
reacting the compound of formula (XII) with $POBr_3$, PBr_5, or a mixture of PBr_3 and Br_2, to yield the corresponding compound of formula (XIII);



(XIII) **(I)**

displacing the bromine on the compound of formula (XIII) by reacting with a compound of formula (XIV), to produce the corresponding compound of formula (I).

Claim 2. (withdrawn) A process for preparing a compound of formula (I)



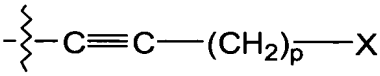
(I)

wherein

R^1 is selected from the group consisting of phenyl, substituted phenyl, (where the substituents are selected from C_1-C_5alkyl, halogen or trifluoromethyl) and heteroaryl, where the heteroaryl contains 5 to 6 ring atoms;

R^2 is selected from the group consisting of phenyl, substituted phenyl, (where the substituents are selected from C_1-C_5alkyl, halogen or trifluoromethyl) and heteroaryl, where the heteroaryl contains 5 to 6 ring atoms and is optionally C_1-C_4alkyl substituted;

R^3 is selected from the group consisting of hydrogen, arylC_1-C_5alkyl, substituted arylC_1-C_5alkyl, (where the aryl substituents are independently selected from one or more of C_1-C_5alkyl, C_1-C_5alkoxy, halogen, amino, C_1-C_5alkylamino or di(C_1-C_5alkyl)amino), phthalimidoC_1-C_5alkyl, succinimidoC_1-C_5alkyl, C_1-C_5alkylcarbonylC_1-C_5alkyl, aryloxycarbonylC_1-C_5alkyl, and heteroarylC_1-C_5akyl, where the heteroaryl contains 5 to 6 ring atoms;

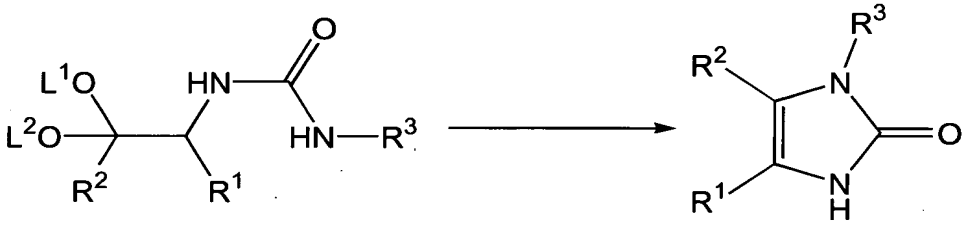
R^4 is  , where

p is an integer from 0 to 9;

X is selected from the group consisting of hydrogen, hydroxy, vinyl, substituted vinyl, (where one or more substituents are selected from fluorine or chlorine), ethynyl, substituted ethynyl (where the substituent is selected from fluorine or chlorine), C_1-C_5alkyl, substituted C_1-C_5alkyl (where the alkyl substituents are selected from one or more of C_1-C_5alkoxy, trihaloalkyl, phthalamido or amino), C_3-C_7cycloalkyl, C_1-C_5alkoxy, substituted C_1-C_5alkoxy (where the alkyl substituents are selected from phthalimido or amino), phthalimidooxy, phenoxy, substituted phenoxy (where the phenyl

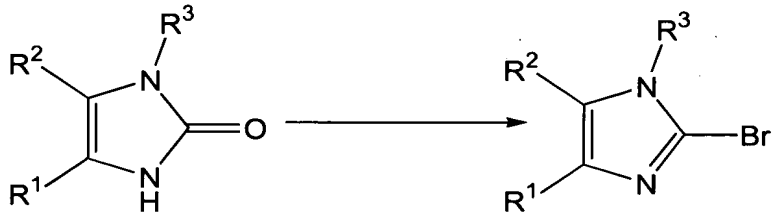
substituents are selected from C_1-C_5alkyl, fluorine, chlorine or C_1-C_5alkoxy), phenyl, substituted phenyl (where the phenyl substituents are selected from C_1-C_5alkyl, fluorine, chlorine or C_1-C_5alkoxy), arylC_1-C_5alkyl, substituted arylC_1-C_5alkyl (where the aryl substituents are selected from C_1-C_5alkyl, fluorine, chlorine or C_1-C_5alkoxy), arylhydroxyC_1-C_5alkylamino, C_1-C_5alkylamino, di(C_1-C_5alkyl)amino, nitrile, oxime, benzyloxyimino, C_1-C_5alkyloxyamino, phthalimido, succinimido, C_1-C_5alkylcarbonyloxy, phenylcarbonyloxy, substituted phenylcarbonyloxy (where the phenyl substituents are selected from C_1-C_5alkyl, fluorine, chlorine or C_1-C_5alkoxy), phenylC_1-C_5alkylcarbonyloxy, (where the phenyl substituents are selected from C_1-C_5alkyl, fluorine, chlorine or C_1-C_5alkoxy), aminocarbonyloxy, C_1-C_5alkylaminocarbonyloxy, di(C_1-C_5alkyl)aminocarbonyloxy, C_1-C_5alkoxycarbonyloxy, substituted C_1-C_5alkoxycarbonyloxy (where the alkyl substituents are selected from the group consisting of methyl, ethyl, isopropyl and hexyl), phenoxycarbonyloxy, substituted phenoxycarbonyloxy (where the phenyl substituents are selected from C_1-C_5alkyl, fluorine, chlorine or C_1-C_5alkoxy), C_1-C_5alkylthio, substituted C_1-C_5alkylthio (where the alkyl substituents are selected from hydroxy and phthalimido), C_1-C_5alkylsulfonyl, phenylsulfonyl and substituted phenylsulfonyl (where the phenyl substituents are selected from fluorine, chlorine, C_1-C_5alkoxy or trifluoromethyl);
or pharmaceutically acceptable salts thereof;

comprising



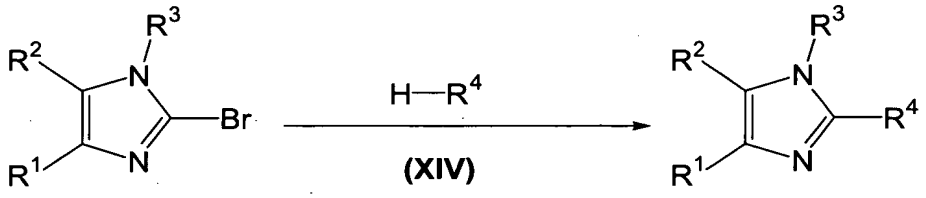
(XI) **(XII)**

cyclizing a compound of formula (XI), wherein L^1 and L^2 are independently selected from the group consisting of C_1-C_4alkyl and C_1-C_4aralkyl; or L^1 together with L^2 is selected from the group consisting of $-CH_2$-CH_2- (optionally substituted with one to four C_1-C_3 alkyl), and $-CH_2$-CH_2-CH_2- (optionally substituted with one to six C_1-C_3 alkyl), under acid conditions of pH less than about 7, to produce the corresponding compound of formula (XII);



(XII) **(XIII)**

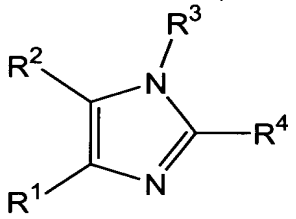
reacting the compound of formula (XII) with $POBr_3$, PBr_5, or a mixture of PBr_3 and Br_2, to yield the corresponding compound of formula (XIII);



(XIII) **(I)**

displacing the bromine on the compound of formula (XIII) by reacting with a compound of formula (XIV), to produce the corresponding compound of formula (I).

Claim 3. (withdrawn) A process for preparing a compound of formula (I)



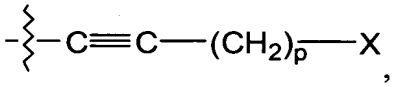
(I)

wherein

R^1 is selected from the group consisting of phenyl, substituted phenyl, (where the substituents are selected from C_1-C_5alkyl, halogen or trifluoromethyl) and heteroaryl, where the heteroaryl contains 5 to 6 ring atoms;

R^2 is selected from the group consisting of phenyl, substituted phenyl, (where the substituents are selected from C_1-C_5alkyl, halogen or trifluoromethyl) and heteroaryl, where the heteroaryl contains 5 to 6 ring atoms and is optionally C_1-C_4alkyl substituted;

R^3 is selected from the group consisting of hydrogen, arylC_1-C_5alkyl, substituted arylC_1-C_5alkyl, (where the aryl substituents are independently selected from one or more of C_1-C_5alkyl, C_1-C_5alkoxy, halogen, amino, C_1-C_5alkylamino or di(C_1-C_5alkyl)amino), phthalimidoC_1-C_5alkyl, succinimidoC_1-C_5alkyl, C_1-C_5alkylcarbonylC_1-C_5alkyl, aryloxycarbonylC_1-C_5alkyl, and heteroarylC_1-C_5akyl, where the heteroaryl contains 5 to 6 ring atoms;

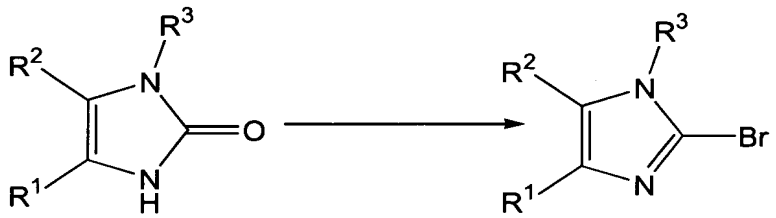
R^4 is  , where

p is an integer from 0 to 9;

X is selected from the group consisting of hydrogen, hydroxy, vinyl, substituted vinyl, (where one or more substituents are selected from fluorine or chlorine), ethynyl, substituted ethynyl (where the substituent is selected from fluorine or chlorine), C_1-C_5alkyl, substituted C_1-C_5alkyl (where the alkyl substituents are selected from one or more of C_1-C_5alkoxy, trihaloalkyl, phthalamido or amino), C_3-C_7cycloalkyl, C_1-C_5alkoxy, substituted C_1-C_5alkoxy (where the alkyl substituents are selected from phthalimido or amino), phthalimidooxy, phenoxy, substituted phenoxy (where the phenyl

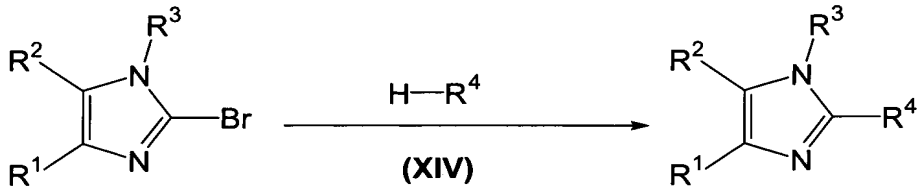
substituents are selected from C_1-C_5alkyl, fluorine, chlorine or C_1-C_5alkoxy), phenyl, substituted phenyl (where the phenyl substituents are selected from C_1-C_5alkyl, fluorine, chlorine or C_1-C_5alkoxy), arylC_1-C_5alkyl, substituted arylC_1-C_5alkyl (where the aryl substituents are selected from C_1-C_5alkyl, fluorine, chlorine or C_1-C_5alkoxy), arylhydroxyC_1-C_5alkylamino, C_1-C_5alkylamino, di(C_1-C_5alkyl)amino, nitrile, oxime, benzyloxyimino, C_1-C_5alkyloxyamino, phthalimido, succinimido, C_1-C_5alkylcarbonyloxy, phenylcarbonyloxy, substituted phenylcarbonyloxy (where the phenyl substituents are selected from C_1-C_5alkyl, fluorine, chlorine or C_1-C_5alkoxy), phenylC_1-C_5alkylcarbonyloxy, (where the phenyl substituents are selected from C_1-C_5alkyl, fluorine, chlorine or C_1-C_5alkoxy), aminocarbonyloxy, C_1-C_5alkylaminocarbonyloxy, di(C_1-C_5alkyl)aminocarbonyloxy, C_1-C_5alkoxycarbonyloxy, substituted C_1-C_5alkoxycarbonyloxy (where the alkyl substituents are selected from the group consisting of methyl, ethyl, isopropyl and hexyl), phenoxycarbonyloxy, substituted phenoxycarbonyloxy (where the phenyl substituents are selected from C_1-C_5alkyl, fluorine, chlorine or C_1-C_5alkoxy), C_1-C_5alkylthio, substituted C_1-C_5alkylthio (where the alkyl substituents are selected from hydroxy and phthalimido), C_1-C_5alkylsulfonyl, phenylsulfonyl and substituted phenylsulfonyl (where the phenyl substituents are selected from fluorine, chlorine, C_1-C_5alkoxy or trifluoromethyl);
or pharmaceutically acceptable salts thereof;

comprising



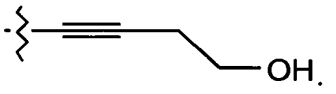
(XII) **(XIII)**

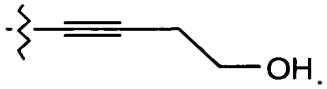
reacting the compound of formula (XII) with $POBr_3$, PBr_5, or a mixture of PBr_3 and Br_2, to yield the corresponding compound of formula (XIII);



(XIII) **(XIV)** **(I)**

displacing the bromine on the compound of formula (XIII) by reacting with a compound of formula (XIV), to produce the corresponding compound of formula (I).

Claim 4. (previously presented) The process of Claim 1 wherein R^1 is 4-fluorophenyl, R^2 is 4-pyridyl, R^3 is 3-phenylpropyl and R^4 is  .

Claim 5. (withdrawn) The process of Claim 3 wherein R^1 is 4-fluorophenyl, R^2 is 4-pyridyl, R^3 is 3-phenylpropyl and R^4 is  .

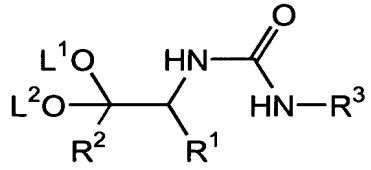
Claim 6. (previously presented) The process of Claim 1 wherein the compound of formula (XII) is reacted with $POBr_3$ in tetramethylenesulfone.

Claim 7. (withdrawn) The process of Claim 3 wherein the compound of formula (XII) is reacted with $POBr_3$ in tetramethylenesulfone.

Claim 8. (withdrawn) The process of Claim 1, wherein the compound of formula (XII) is reacted with about a 1:1 mixture of PBr_3 and Br_2 in $POCl_3$.

Claim 9. (withdrawn) The process of Claim 3, wherein the compound of formula (XII) is reacted with about a 1:1 mixture of PBr_3 and Br_2 in $POCl_3$.

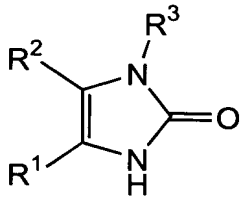
Claim 10. (withdrawn) A compound of formula (XI)



(XI)

wherein
R^1 is selected from the group consisting of phenyl, substituted phenyl, (where the substituents are selected from C_1-C_5alkyl, halogen or trifluoromethyl) and heteroaryl, where the heteroaryl contains 5 to 6 ring atoms;
R^2 is selected from the group consisting of phenyl, substituted phenyl, (where the substituents are selected from C_1-C_5alkyl, halogen or trifluoromethyl) and heteroaryl, where the heteroaryl contains 5 to 6 ring atoms and is optionally C_1-C_4alkyl substituted;
R^3 is selected from the group consisting of hydrogen, arylC_1-C_5alkyl, substituted arylC_1-C_5alkyl, (where the aryl substituents are independently selected from one or more of C_1-C_5alkyl, C_1-C_5alkoxy, halogen, amino, C_1-C_5alkylamino or di(C_1-C_5alkyl)amino), phthalimidoC_1-C_5alkyl, succinimidoC_1-C_5alkyl, C_1-C_5alkylcarbonylC_1-C_5alkyl, aryloxycarbonylC_1-C_5alkyl, and heteroarylC_1-C_5akyl, where the heteroaryl contains 5 to 6 ring atoms; and
L^1 and L^2 are independently selected from the group consisting of C_1-C_4alkyl and C_1-C_4aralkyl; or L^1 together with L^2 is selected from the group consisting of $-CH_2-CH_2-$ (optionally substituted with one to four C_1-C_3 alkyl), and $-CH_2-CH_2-CH_2-$ (optionally substituted with one to six C_1-C_3 alkyl).

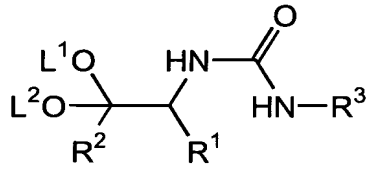
Claim 11. (withdrawn) A compound of the formula (XII)



(XII)

wherein
R^1 is selected from the group consisting of phenyl, substituted phenyl, (where the substituents are selected from C_1-C_5alkyl, halogen or trifluoromethyl) and heteroaryl, where the heteroaryl contains 5 to 6 ring atoms;
R^2 is selected from the group consisting of phenyl, substituted phenyl, (where the substituents are selected from C_1-C_5alkyl, halogen or trifluoromethyl) and heteroaryl, where the heteroaryl contains 5 to 6 ring atoms and is optionally C_1-C_4alkyl substituted; and
R^3 is selected from the group consisting of hydrogen, arylC_1-C_5alkyl, substituted arylC_1-C_5alkyl, (where the aryl substituents are independently selected from one or more of C_1-C_5alkyl, C_1-C_5alkoxy, halogen, amino, C_1-C_5alkylamino or di(C_1-C_5alkyl)amino), phthalimidoC_1-C_5alkyl, succinimidoC_1-C_5alkyl, C_1-C_5alkylcarbonylC_1-C_5alkyl, aryloxycarbonylC_1-C_5alkyl, and heteroarylC_1-C_5akyl, where the heteroaryl contains 5 to 6 ring atoms.

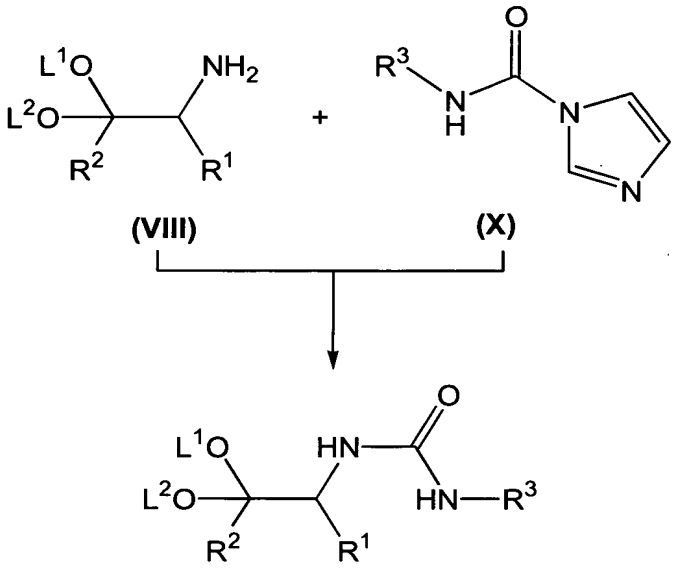
Claim 12. (withdrawn) A process for preparing a compound of formula (XI)



(XI)

wherein
R^1 is selected from the group consisting of phenyl, substituted phenyl, (where the substituents are selected from C_1-C_5alkyl, halogen or trifluoromethyl) and heteroaryl, where the heteroaryl contains 5 to 6 ring atoms;
R^2 is selected from the group consisting of phenyl, substituted phenyl, (where the substituents are selected from C_1-C_5alkyl, halogen or trifluoromethyl) and heteroaryl, where the heteroaryl contains 5 to 6 ring atoms and is optionally C_1-C_4alkyl substituted;
R^3 is selected from the group consisting of hydrogen, arylC_1-C_5alkyl, substituted arylC_1-C_5alkyl, (where the aryl substituents are independently selected from one or more of C_1-C_5alkyl, C_1-C_5alkoxy, halogen, amino, C_1-C_5alkylamino or di(C_1-C_5alkyl)amino), phthalimidoC_1-C_5alkyl, succinimidoC_1-C_5alkyl, C_1-C_5alkylcarbonylC_1-C_5alkyl, aryloxycarbonylC_1-C_5alkyl, and heteroarylC_1-C_5akyl, where the heteroaryl contains 5 to 6 ring atoms; and

L^1 and L^2 are independently selected from the group consisting of C_1-C_4alkyl and C_1-C_4aralkyl; or L^1 together with L^2 is selected from the group consisting of $-CH_2-CH_2-$ (optionally substituted with one to four C_1-C_3 alkyl), and $-CH_2-CH_2-CH_2-$ (optionally substituted with one to six C_1-C_3 alkyl)
comprising

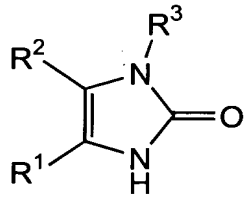


(VIII) (X)

(XI)

reacting a compound of formula (VIII), wherein L^1 and L^2 are independently selected from the group consisting of C_1-C_4alkyl and C_1-C_4aralkyl; or L^1 together with L^2 is selected from the group consisting of $-CH_2-CH_2-$ (optionally substituted with one to four C_1-C_3 alkyl), and $-CH_2-CH_2-CH_2-$ (optionally substituted with one to six C_1-C_3 alkyl); with a compound of formula (X), to produce the corresponding compound of formula (XI).

Claim 13. (withdrawn) A process for preparing a compound of formula (XII)



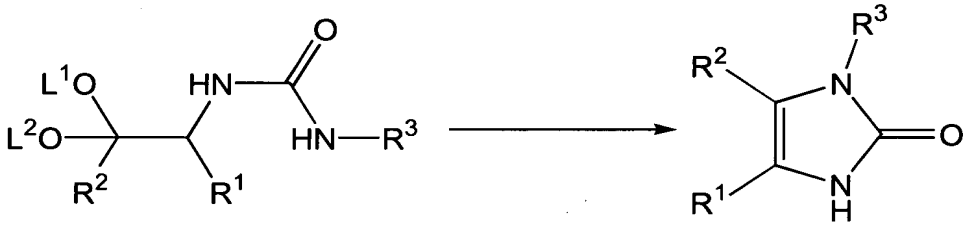
(XII)

wherein
R^1 is selected from the group consisting of phenyl, substituted phenyl, (where the substituents are selected from C_1-C_5alkyl, halogen or trifluoromethyl) and heteroaryl, where the heteroaryl contains 5 to 6 ring atoms;
R^2 is selected from the group consisting of phenyl, substituted phenyl, (where the substituents are selected from C_1-C_5alkyl, halogen or trifluoromethyl) and heteroaryl,

where the heteroaryl contains 5 to 6 ring atoms and is optionally C_1-C_4alkyl substituted; and

R^3 is selected from the group consisting of hydrogen, arylC_1-C_5alkyl, substituted arylC_1-C_5alkyl, (where the aryl substituents are independently selected from one or more of C_1-C_5alkyl, C_1-C_5alkoxy, halogen, amino, C_1-C_5alkylamino or di(C_1-C_5alkyl)amino), phthalimidoC_1-C_5alkyl, succinimidoC_1-C_5alkyl, C_1-C_5alkylcarbonylC_1-C_5alkyl, aryloxycarbonylC_1-C_5alkyl, and heteroarylC_1-C_5akyl, where the heteroaryl contains 5 to 6 ring atoms

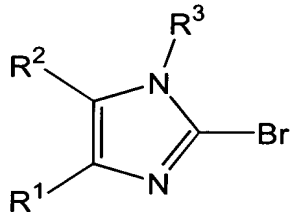
comprising



(XI) **(XII)**

cyclizing a compound of formula (XI), wherein L^1 and L^2 are independently selected from the group consisting of C_1-C_4alkyl and C_1-C_4aralkyl; or L^1 together with L^2 is selected from the group consisting of $-CH_2$-CH_2- (optionally substituted with one to four C_1-C_3 alkyl), and $-CH_2$-CH_2-CH_2- (optionally substituted with one to six C_1-C_3 alkyl); under acid conditions of pH less than about 7, to produce the corresponding compound of formula (XII).

Claim 14. (withdrawn) A process for preparing a compound of formula (XIII)



(XIII)

wherein

R^1 is selected from the group consisting of phenyl, substituted phenyl, (where the substituents are selected from C_1-C_5alkyl, halogen or trifluoromethyl) and heteroaryl, where the heteroaryl contains 5 to 6 ring atoms;

R^2 is selected from the group consisting of phenyl, substituted phenyl, (where the substituents are selected from C_1-C_5alkyl, halogen or trifluoromethyl) and heteroaryl, where the heteroaryl contains 5 to 6 ring atoms and is optionally C_1-C_4alkyl substituted; and

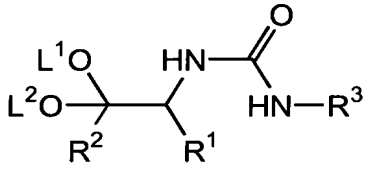
R^3 is selected from the group consisting of hydrogen, arylC_1-C_5alkyl, substituted arylC_1-C_5alkyl, (where the aryl substituents are independently selected from one or more of C_1-C_5alkyl, C_1-C_5alkoxy, halogen, amino, C_1-C_5alkylamino or di(C_1-C_5alkyl)amino), phthalimidoC_1-C_5alkyl, succinimidoC_1-C_5alkyl, C_1-C_5alkylcarbonylC_1-C_5alkyl,

aryloxycarbonylC_1-C_5alkyl, and heteroarylC_1-C_5akyl, where the heteroaryl contains 5 to 6 ring atoms
comprising

(XII) **(XIII)**

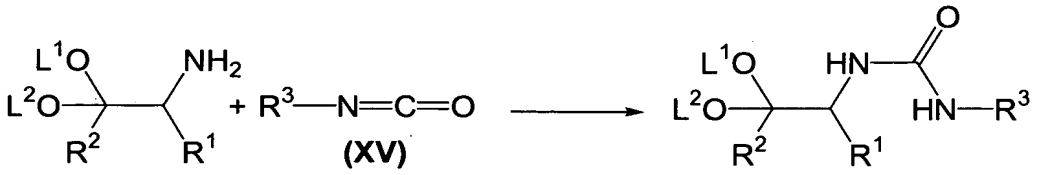
reacting a compound of formula (XII) with $POBr_3$, PBr_5, or a mixture of PBr_3 and Br_2, to yield the corresponding compound of formula (XIII).

Claim 15. (withdrawn) A process for preparing a compound of formula (XI)



(XI)

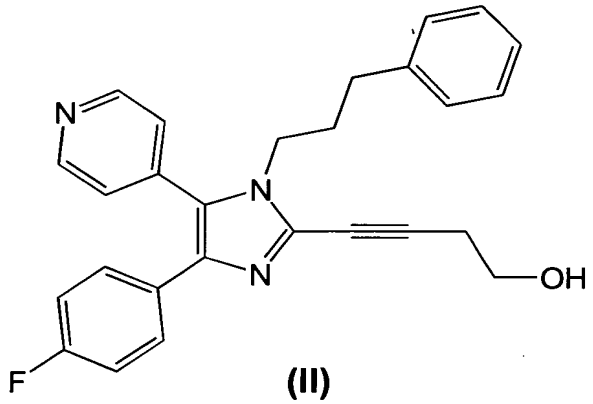
wherein
R^1 is selected from the group consisting of phenyl, substituted phenyl, (where the substituents are selected from C_1-C_5alkyl, halogen or trifluoromethyl) and heteroaryl, where the heteroaryl contains 5 to 6 ring atoms;
R^2 is selected from the group consisting of phenyl, substituted phenyl, (where the substituents are selected from C_1-C_5alkyl, halogen or trifluoromethyl) and heteroaryl, where the heteroaryl contains 5 to 6 ring atoms and is optionally C_1-C_4alkyl substituted;
R^3 is selected from the group consisting of hydrogen, arylC_1-C_5alkyl, substituted arylC_1-C_5alkyl, (where the aryl substituents are independently selected from one or more of C_1-C_5alkyl, C_1-C_5alkoxy, halogen, amino, C_1-C_5alkylamino or di(C_1-C_5alkyl)amino), phthalimidoC_1-C_5alkyl, succinimidoC_1-C_5alkyl, C_1-C_5alkylcarbonylC_1-C_5alkyl, aryloxycarbonylC_1-C_5alkyl, and heteroarylC_1-C_5akyl, where the heteroaryl contains 5 to 6 ring atoms; and
L^1 and L^2 are independently selected from the group consisting of C_1-C_4 alkyl and C_1-C_4 aralkyl; or L^1 together with L^2 is selected from the group consisting of $-CH_2-CH_2-$ (optionally substituted with one to four C_1-C_3 alkyl), and $-CH_2-CH_2-CH_2-$ (optionally substituted with one to six C_1-C_3 alkyl);
comprising



(VIII) (XV) (XI)

reacting a compound of formula (VIII) with a compound of formula (XV), to yield the corresponding compound of formula (XI).

Claim 16. (previously presented) A crystalline form of the compound of formula (II)



(II)

comprising the following x-ray powder diffraction peaks:

ANGLE °2θ	d-Spacing (Å)	Relative Intensity (%)
7.206	12.257	100.0
8.961	9.861	14.2
10.617	8.326	24.8
12.438	7.110	14.0
15.500	5.712	33.7
16.458	5.382	13.3
17.360	5.104	17.2
17.879	4.957	37.6
18.343	4.833	19.2
18.665	4.750	31.8
19.126	4.637	16.1
19.943	4.448	21.9
20.491	4.331	30.8
21.469	4.135	52.9
21.891	4.057	59.8
22.371	3.971	58.7
22.778	3.901	12.0
23.159	3.837	51.0
23.870	3.725	20.8
24.526	3.627	15.5
24.704	3.601	25.9

25.113	3.543	14.7
26.368	3.377	11.0
27.674	3.221	10.5
28.088	3.174	18.3
28.896	3.087	21.3
29.291	3.047	19.4
30.201	2.9568	10.6
30.501	2.9284	13.3